

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

**FILED**

APR - 2 2012

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_  
Deputy

UNITED STATES OF AMERICA

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v.

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MICHAEL K. GILBERT

No. 4:12-MJ-117

**CRIMINAL COMPLAINT**

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about October 19, 2011, **Michael K. Gilbert**, did knowingly ship and transports by any means and facility of interstate and foreign commerce, including by computer, any visual depiction, knowing the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct. Specifically, **Gilbert** used the Internet to distribute the following visual depiction of a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(1):

File name	Description of the image
204937_1235384830.jpg	Still image depicting a minor male, nude from the waist down, engaged in oral-to-genital contact with another minor male. Both males are wearing boy scout uniform shirts.

I further state I am a Special Agent (SA) with the Federal Bureau of Investigation, and that this complaint is based on the following facts gathered through interviews and reports relayed to me by FBI Special Agent Barry Couch and through my own investigation:

### **Introduction**

1. I have been employed as a Special Agent of the FBI since April 2003, and am currently assigned to the Dallas Division located at One Justice Way, Dallas, Texas 75220. Prior to becoming a Special Agent, I was employed with the FBI for over 16 years as an Intelligence Research Specialist. Since joining the FBI, I have been involved in investigations of violent crimes, illegal narcotics, organized crime, and computer crimes. I am currently assigned to investigate Sexual Exploitation of Children (SEOC) violations of federal law. I have gained expertise in the conduct of such investigations through training in seminars, classes, and everyday work related to conducting these types of investigations. I also have participated in training in the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States. The information contained in this affidavit is based on my personal knowledge and experience, as well as information provided by other law enforcement officers. Since this

affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation.

3. I have been involved in an investigation involving the activities of **Michael Kristopher Gilbert (Gilbert)**. As will be shown below, there is probable cause to believe that on or about October 19, 2011, **Gilbert** knowingly transported or shipped in interstate or foreign commerce by any means, including a computer, a visual depiction of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of Title 18, U.S.C. Section 2252(a)(1) (Certain activities relating to material involving the sexual exploitation of minors).

4. The above criminal act was committed by **Gilbert** in the Northern District of Texas.

#### **Background of the Investigation**

5. On October 19, 2011, Special Agent (SA) Barry Couch, using a computer connected to the Internet, launched a publicly available peer-to-peer file-sharing program from the Buffalo Division of the FBI, located in Rochester, New York. SA Couch, acting in an undercover capacity and while assuming someone else's identity, queried his network of friends and observed that an individual utilizing the username kg12348 was logged onto the network. Kg12348 allowed SA Couch to view and download files from kg12348's computer that kg12348 selected to share with other users.

6. SA Couch browsed kg12348's shared folders and observed files containing child pornography. SA Couch selected 20 image files, and began to download these files directly from kg12348's computer between 10:46 p.m. EDT and 10:58 p.m. EDT. During the download of these files, SA Couch used a network monitoring program in order to identify the IP address of kg12348's computer. SA Couch was able to determine that the IP address of kg12348's computer was 75.142.167.200.

7. One of the files downloaded that depicted child pornography had the following name and is briefly described:

**204937\_1235384830.jpg** - This is an image file depicting a male child, nude from the waist down, engaged in oral-to-genital contact with another male child. Both males are wearing boy scout uniform shirts.

8. Further investigation revealed that at the date and time the files were downloaded, the IP address used by kg12348 was assigned to an account registered to **Gilbert**, in Fort Worth, Texas 76112.

9. On March 6, 2012, FBI agents executed a federal search warrant at **Gilbert's** residence. While at the residence, agents spoke with **Gilbert**. **Gilbert** advised law enforcement that he has been using a publicly available peer-to-peer file-sharing program, with the user name of kg12348, to trade files depicting child pornography. **Gilbert** stated the last time he accessed the peer-to-peer file-sharing program with the user name of kg12348, for the purpose of collecting and/or trading child pornography,

was on March 5, 2012. He also said that he had been downloading and trading child pornography utilizing the internet for approximately 10 years.

10. On March 12, 2012, a cursory review was conducted of the ASUS desktop computer, serial number 83PDCG0000N6, seized from **Gilbert's** home in Fort Worth, Texas 76112. Image and video files depicting minors engaging in sexually explicit conduct were observed on this computer. Specifically, the aforementioned file, listed and described in Paragraph seven, was observed on this computer.

### **Conclusion**

11. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that on or about October 19, 2011, **Michael Kristopher Gilbert** violated Title 18, U.S.C., Section 2252(a)(1), which makes it a federal crime for any person to knowingly transport or ship using any means or facility of interstate commerce or in or affecting interstate or foreign commerce by any means, including a computer, a visual depiction of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct.

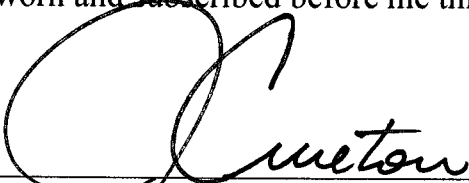
I respectfully request that this Court issue an arrest warrant for **Michael**

**Kristopher Gilbert.**



DEBORAH L. MICHAELS  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me this 2<sup>nd</sup> day of April, 2012.



JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE